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4 COLUMBIA INSURANCE CO., et al.,
5 Plaintiffs,
6 v.
7 SIMPSON STRONG-TIE COMPANY
8 INC.,
9 Defendant.

10 Case No. 19-cv-04683-TSH
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ORDER RE SEALING MOTIONS

13 This is a follow-on order to ECF No. 152. That order addressed, among other items, ECF
14 Nos. 85 and 93, motions to consider whether another party's material should be sealed that were
15 filed by Plaintiffs in support of their *Daubert* and partial summary judgment motions, filed on
16 October 28, 2024. With respect to ECF No. 85, the Court declined to rule on the sealing status of
17 Exhibit I, which non-party Clarivate had designated as Attorneys' Eyes Only. Clarivate did not
18 respond to the motion within seven days as required by Civil Local Rule 79-5(f)(3), but the Court
19 was not sure what to make of that fact given that no proof of service was filed showing that
20 Plaintiffs had served the motion to consider on Clarivate. Accordingly, the Court ordered
21 Plaintiffs to either file a proof of service or to serve Clarivate in the first instance. With respect to
22 ECF No. 93, the same issue arose concerning Exhibit LL.

23 In ECF No. 172, Plaintiffs have now filed evidence that they did serve Clarivate on
24 October 28, 2024. Accordingly, Clarivate's failure to file a statement or declaration in support of
25 sealing means that the motion should be denied as to those Exhibits. *See* Civ. L.R. 79-5(f)(3) ("A
26 failure to file a statement or declaration may result in the unsealing of the provisionally sealed
27 document without further notice to the Designating Party."). Accordingly, the motion at ECF No.
28 85 is **DENIED** as to Exhibit I and the motion at ECF No. 93 is **DENIED** as to Exhibit LL. The

1 Court **ORDERS** Plaintiffs to file these Exhibits in the public record no sooner than two days and
2 no later than five days from the date of this order.

3 **IT IS SO ORDERED.**

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5 Dated: June 5, 2025

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7 THOMAS S. HIXSON
United States Magistrate Judge

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United States District Court
Northern District of California